THE HON'BLE SRI JUSTICE B.PRAKASH RAO
AND
THE HON'BLE SRI JUSTICE G.V.SEETHAPATHY

WRIT PETITION NO.18392 OF 2006

Between:

Sk.Abdul Salam S/o Sri SA Ghousemohuinddin,
Occ: JE-1/SW/NLR, South Central Railway, Vijayawada

…Petitioners

A n d

The Union of India rep. By General Manager, South Central Railway, Rail Nilayam, Secunderabad and others.

…Respondent

ORDER

Counsel for the petitioner : Sri V.Venkateswara Rao

Counsel for the respondents : S.C for Railways

9th October 2006

Per B.Prakash Rao, J

Heard both sides and at their request, the main writ petition itself is taken up for disposal.

The petitioner, who is an employee with the respondents herein, files this writ petition *inter alia* seeking to assail the orders in M.A.No.134 of 2006 in OASR No.146 of 2006 dated 17.4.2006 on the file of Central Administrative Tribunal, Hyderabad Bench (for short, `the tribunal') rejecting an application seeking condonation of delay of 29 months and 23 days in re-presenting the O.A.

The case of the petitioner on merits has got chequred events, where he has faced a disciplinary enquiry and ultimately as against the final order passed on 28.01.2006, the present application is filed under Section 19 of the Administrative Tribunals Act on 16.4.2003, which was returned with some objections. According to the petitioner, since the bundles were misplaced, he could not represent in time and that there has been delay of 29 months and 23 days in representing the O.A. However, the tribunal after taking into consideration the submissions made and not satisfied with the reasons given rejected the application.

Having heard the learned counsel for the petitioner and the learned Standing Counsel appearing on behalf of the respondents

herein, we are of the view that on facts of the case, the petitioner is entitled to be considered his case rather than rejecting the application at the threshold, more so, when it is only an interlocutory application for representing the O.A which has been returned with some objections. It is needless to mention that the rules of procedure are meant to aid the parties and the endeavor should be to see that the parties receive orders on merits after contest rather than denying them their legitimate rights in pursuing the remedies as available under law.

In the circumstances, the writ petition is allowed and the application M.A.No.134 of 2006 stands allowed. The tribunal is directed to process and number the application and dispose of the same on merits after giving notice and opportunity to both sides.

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B.PRAKASH RAO, J

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G.V.SEETHAPATHY, J

9th October 2006

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THE HON'BLE SRI JUSTICE B.PRAKASH RAO
AND
THE HON'BLE SRI JUSTICE G.V.SEETHAPATHY

WRIT PETITION NO.18392 OF 2006

(Order of the Bench delivered by
Hon'ble Sri Justice B.Prakash Rao)

DATED : 09.10.2006

Per B.Prakash Rao, J

Heard both sides and at their request, the main writ petition itself is taken up for disposal.

The petitioner, who is an employee with the respondents herein files this writ petition interalia seeking for a mandamus assailing the orders in M.A.No.134 of 2006 in OASR NO.146 of 2003 dated 17.4.2006 on the file of Central Administrative Tribunal, Hyderabad

Heard learned Standing Counsel appearing on behalf of the petitioner. Though served personally, none appears for the respondent and the matter is taken up for disposal.

The only grievance of the petitioner is that even though the main O.A filed by the respondent herein was disposed of directing completion of disciplinary proceedings within a period of six months initially from 8.12.2004

Having heard the learned Standing Counsel and on perusal of the material, it is seen that even the order of rejection of the application seeking six months period by the petitioner itself is dated 10.8.2005 and by this time, more than one year has elapsed and yet the proceedings are not yet completed. However, by taking into consideration the request made by the learned counsel, the writ petition is disposed of directing the petitioner to complete the enquiry proceedings within a period of three months from today.

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B.PRAKASH RAO, J

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G.V.SEETHAPATHY, J

9th October, 2006

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THE HON'BLE SRI JUSTICE B.PRAKASH RAO
AND

THE HON'BLE SRI JUSTICE G.V.SEETHAPATHY

WRIT PETITION NO.16459 OF 2006

(Order of the Bench made by
Hon'ble Sri Justice B.Prakash Rao)

DATED: 09.10.2006